

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOSE B. HERNANDEZ,

Petitioner,

No. C 08-0636 PJH (PR)

vs.

ORDER OF DISMISSAL

SUPERIOR COURT SANTA CLARA
COUNTY,

Respondent.

This is a habeas case filed pro se by a state prisoner. The clerk's notice that petitioner had neither paid the filing fee or applied for leave to proceed in forma pauperis was returned as undeliverable with a notation "unclaimed/not in custody." Plaintiff has not provided a new mailing address.

More than sixty days have passed since the mail was returned. This case is **DISMISSED** without prejudice. See Local R. 3-11(b).

IT IS SO ORDERED.

Dated: May 21, 2008.



PHYLLIS J. HAMILTON
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

JOSE B. HERNANDEZ,
Plaintiff,

Case Number: CV08-00636 PJH

CERTIFICATE OF SERVICE

v.

SANTA CLARA SUPERIOR COURT et al,
Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on May 22, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Jose B Hernandez DOL-767
ILE Detention Center
A-92991767
1705 E. Hanna Road
Eloy, AZ 85231

Dated: May 22, 2008



Richard W. Wieking, Clerk
By: Nichole Heuerman, Deputy Clerk